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## Past is Prologue, Part 2: Oregon Governor Executive Order directed ODF to change Forest Practices Act to "meet state water quality standards and to protect and restore salmonids" (in 1999)

1 message

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**Waye, Don** <Waye.Don@epa.gov>  
To: "allison.castellan@noaa.gov" <allison.castellan@noaa.gov>

Fri, Dec 12, 2014 at 1:50 PM

[Read from the bottom up...](#)

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**From:** Waye, Don  
**Sent:** Friday, December 12, 2014 1:14 PM  
**To:** Sweeney, Stephen; Hall, Lynda; Psyk, Christine  
**Cc:** Henning, Alan; Carlin, Jayne; Wu, Jennifer  
**Subject:** RE: Did the advisory committee make recommendations? Did the Board of Forestry make any determinations in response?

Steve,

Yes. An advisory committee was established to carry out the charge, however, the BOF took little action on the advice provided. Again, This recent blog/article references the EO and what happened to the efforts to strengthen the FPA in its wake:

<http://oregon-stream-protection-coalition.com/southern-oregonnorthern-california-coho-recovery-plan/>

It includes a long quote from NMFS recently released Coho Recovery Plan, but here's the money quote:

*"As of 2003, draft water protection rules and non- regulatory recommendations based on the recommendations of Forest Practices Advisory Committee had been developed, but had not been adopted by the Board of Forestry"*

The article also includes a link to NMFS full Coho Recovery Plan, which was finalized on 9/30/2014. Here's the link:

[http://www.westcoast.fisheries.noaa.gov/protected\\_species/salmon\\_steelhead/recovery\\_planning\\_and\\_implementation/southern\\_oregon\\_northern\\_california\\_coast/SONCC\\_recovery\\_plan.html](http://www.westcoast.fisheries.noaa.gov/protected_species/salmon_steelhead/recovery_planning_and_implementation/southern_oregon_northern_california_coast/SONCC_recovery_plan.html)

Don

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**From:** Sweeney, Stephen

**Sent:** Friday, December 12, 2014 1:01 PM

**To:** Waye, Don; Hall, Lynda; Psyk, Christine

**Cc:** Henning, Alan; Carlin, Jayne; Wu, Jennifer

**Subject:** Did the advisory committee make recommendations? Did the Board of Forestry make any determinations in response?

Don,

The Executive Order you identified has a lot of words but isn't very specific. [I heard Dennis saying that he wanted something specific.]

I note that the Executive Order (January 1999) post-dates the EPA/NOAA approval with conditions by only a year.

Did the advisory committee do what the Executive Order directed in the first highlighted section? Did the Board of Forestry respond?

Thanks,

Steve

(c) The Oregon Board of Forestry will determine, with the assistance of an advisory committee, to what extent changes to forest practices are needed to meet state water quality standards and to protect and restore salmonids. A substantial body of information regarding the effectiveness of current practices is being developed. This information includes: (i) the IMST report regarding the role of forest practices and forest habitat in protecting and restoring salmonids; and (ii) a series of monitoring projects that include the Storms of 1996 study, a riparian areas study, a stream temperature study, and a road drainage study. Using this information, as well as other available scientific information including scientific information from NMFS, the advisory committee will make recommendations to the Board at both site and watershed scales on threats to salmonid habitat relating to sediment, water temperature, freshwater habitat needs, roads and fish passage. Based on the advisory committee's recommendations and other scientific information, the Board will make every effort to make its determinations by June 1999.

The Board may determine that the most effective means of achieving any necessary changes to forest practices is through regulatory changes, statutory changes or through other programs including programs to create incentives for forest landowners. In the event that the Board determines that legislative changes are necessary to carry out its determinations, the Board will transmit any recommendations for such changes to the Governor and to the Joint Committee at the earliest possible date.

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**From:** Waye, Don

**Sent:** Friday, December 12, 2014 11:51 AM

**To:** Sweeney, Stephen; Hall, Lynda; Psyk, Christine

**Cc:** Henning, Alan; Carlin, Jayne; Wu, Jennifer

**Subject:** Past is Prologue, Part 2: Oregon Governor Executive Order directed ODF to change Forest Practices Act to "meet state water quality standards and to protect and restore salmonids" (in 1999)

FYI, it's déjà vu all over again. (Again.)

In Executive Order No. EO 99-01, Oregon's Governor charged that:

"(3)(c) The Oregon Board of Forestry will determine, with the assistance of an advisory committee, to what extent changes to forest practices are needed to meet state water quality standards and to protect and restore salmonids. . . . The Board may determine that the most effective means of achieving any necessary changes to forest practices is through regulatory changes, statutory changes or through other programs including programs to create incentives for forest landowners."

Here's the entire executive Order from 1999, with lots of references to NMFS, independent scientific oversight, coho salmon recovery and the Oregon Plan

[www.oregon.gov/OPSW/archives/eo99-01.pdf](http://www.oregon.gov/OPSW/archives/eo99-01.pdf)

This recent blog/article references the EO and what happened to the efforts to strengthen the FPA in its wake:

<http://oregon-stream-protection-coalition.com/southern-oregonnorthern-california-coho-recovery-plan/>

...short answer: the goal of the EO remains unfulfilled.

So if the RA's idea to get the Governor to direct action to strengthen the FPA is going to prove effective, we need something stronger and more direct than what we thought would happen back in 1999.

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